



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
J. D. Westwood ) Group Art Unit: 1753  
Serial No.: 09/753,433 ) Examiner: Rodney Glenn McDonald  
Filed: 01/02/2001 ) Atty Docket No.: SJO990037US1  
For: METHOD OF MAKING NiFeCo-O-N OR )  
NiFeCo-N FILMS FOR SHIELDS AND/ )  
OR POLES OF A MAGNETIC HEAD )

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**

The owner, International Business Machines Corporation, of 100 percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior Patent No. 6,425,989. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal

10/10/2003 CCHAUI 00000149 090442 09753433

01 FC:1814 110.00 DA

disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a re-examination certificate, is re-issued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record.

Date: October 6, 2003



Ervin F. Johnston  
Attorney for Applicants  
Reg. No. 20,190  
Telephone: 619-334-5883  
Fax: 619-448-1904